

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS WELFARE  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS VACATION FUND, NEW YORK  
CITY DISTRICT COUNCIL OF CARPENTERS  
ANNUITY FUND, NEW YORK CITY DISTRICT  
COUNCIL OF CARPENTERS APPRENTICESHIP,  
JOURNEYMAN RESTRAINING, EDUCATIONAL  
AND INDUSTRY FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS CHARITY  
FUND, and THE NEW YORK CITY AND VICINITY  
CARPENTERS LABOR-MANAGEMENT  
CORPORATION, By MICHAEL J. FORDE and  
PAUL O'BRIEN, as TRUSTEES, and MICHAEL J.  
FORDE AS EXECUTIVE SECRETARY-TREASURER,  
DISTRICT COUNCIL FOR NEW YORK CITY AND  
VICINITY, UNITED BROTHERHOOD OF CARPENTERS  
AND JOINERS OF AMERICA,

Plaintiffs,

-against-

THREE GUYS FLOOR COVERING WORKROOM, INC.,

Defendant.

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Defendant, THREE GUYS FLOOR COVERING WORKROOM, INC., by their  
attorneys, WEINSTEIN, KAPLAN & COHEN, P.C., as and for its Answer to plaintiffs'  
Complaint, respectfully alleges as follows:

1. Denies knowledge and information sufficient to form a belief as to the truth

of the allegations contained in paragraphs "2," "3," "4," "5," "6" and "8" of plaintiffs' Complaint.

2. Denies each and every allegation contained in paragraph "9" except admits that the defendant was a party to a Collective Bargaining Agreement with plaintiffs and begs leave of the Court to refer to the original of same for its terms at the time of trial.

3. Denies each and every allegation contained in paragraph "10" of plaintiffs' Complaint.

**AS AND FOR A FIRST, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE**

4. That the Court should vacate the Arbitration Award pursuant to the doctrine of "manifest disregard of the law and facts."

**AS AND FOR A SECOND, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE**

5. That the Court should vacate the Arbitration Award because it violates the doctrine of "essence of the Collective Bargaining Agreement."

**AS AND FOR A FIRST, SEPARATE AND DISTINCT COUNTERCLAIM**

6. That the Court should vacate the Arbitration Award herein based upon the doctrine of manifest disregard of the law and facts."

**AS AND FOR A SECOND, SEPARATE AND DISTINCT COUNTERCLAIM**

7. That the Court should vacate the Arbitration Award herein since it violates the doctrine of "essence of the Collective Bargaining Agreement."

WHEREFORE, defendant respectfully requests that this Court dismiss plaintiffs'

Complaint in its entirety, grant defendant's Counterclaims to vacate the Arbitration Award, plus such other and further relief as to this Court may be just, proper and equitable under the premises.

Dated: Garden City, New York  
April 30, 2008

Yours, etc.

WEINSTEIN, KAPLAN & COHEN, P.C.  
Attorneys for Defendant

By: 

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